

IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH,
IN AND FOR UTAH COUNTY.

PROVO RESERVOIR COMPANY, a corporation,

Plaintiff,

-vs-

PROVO CITY, et-al., and SMITH
DITCH COMPANY, a voluntary
association - - - - ,

Defendants.

Civil No. 2888

O R D E R

The petition of A. L. Tanner, praying for an order of the above entitled Court directing T. F. Wentz, as commissioner of Provo River, to distribute certain waters of Provo River through the West Union Canal and into the Smith Ditch Company's Canal, and further praying for an order directing Don York, as secretary of Smith Ditch Company to schedule such waters for the use of A. L. Tanner, having come on regularly for hearing before the Court on the 12th day of June, 1936; M. R. Straw of Christenson, Straw & Christenson appearing for petitioner and I. E. Brockbank of Brockbank & Pope appearing as attorney for defendant, Don York, and the said T. F. Wentz being present in open Court, and the Court having heard petitioner's evidence and being now fully advised in the premises, and the Court having heretofore made and entered herein in writing its Findings of Fact and Conclusions of Law,

IT IS NOW, BY THE COURT, HEREBY ORDERED: That T. F. Wentz, as commissioner of Provo River, upon receipt of a copy of this Order, immediately turn from Provo River from the rights of Caleb Tanner and Esthma Tanner into the West Union Canal and thence into the Smith Ditch at Carter's Point, for the use and benefit of A. L. Tanner during the irrigation season of 1936, the following quantities of water, to-wit: May 10 to June 20, 0.29 c.f.s.; June 20 to July 20, 0.26 c.f.s.; July 20 to September 1 0.23 c.f.s.; September 1 to May 10 0.21 c.f.s.

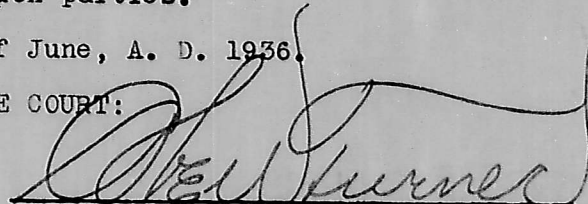
IT IS FURTHER ORDERED: That Don York, as secretary of Smith Ditch Company, immediately upon receipt of a copy of this

Order, schedule to the uses of Arthur Tanner in the Smith Ditch, diverted from the West Union Canal at Carter's Point, the water hereinabove ordered by the Court to be by T. F. Wentz as commissioner turned to the uses of the said A. L. Tanner in the quantities and at the times hereinabove provided, and for the irrigation season of 1936, and that said Don York schedule the said waters to the uses of said A. L. Tanner in connection with his shares in the Smith Ditch Company and his water rights as one of the Smith Ditch Company; and that such water rights be scheduled to the uses of said A. L. Tanner on a rotation basis.

IT IS FURTHER ORDERED: That said A. L. Tanner pay the reasonable cost of making a re-schedule of the said Smith Ditch water rights by the said Don York and reasonable costs of maintenance of the Smith Ditch interests above Carter Point, and that unless the parties in interest agree with respect to the amount of such charges, then the matter be determined by the above entitled Court on motion of either of such parties.

Dated this 13th day of June, A. D. 1936.

BY THE COURT:


JUDGE

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IN DIST. COURT
UTAH CO., UTAH
FILED

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Col. G. H. ... Clerk
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BY THE COURT:

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